

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE FLINT WATER CASES

NO. 5:16-CV-10444-JEL-MKM
HON. JUDITH E. LEVY
MAG. MONA K. MAJZOUN

**CO-LIAISON COUNSEL’S MOTION FOR AN ORDER TO SHOW CAUSE
REGARDING ATTORNEY MARK CUKER’S RECEIPT
AND USE OF PROTECTED INFORMATION**

Co-Liaison Counsel respectfully moves this Court for an Order to Show Cause, requiring attorney Mark Cuker to identify how, from whom, and when he came into possession of the transcript of Dr. Aaron Specht’s deposition, as well as why he should not be sanctioned by the Court for his use of said materials. In support of the request, Co-Liaison Counsel states as follows:

On October 20, 2020, Co-Liaison Counsel moved for a protective order seeking, *inter alia*, to limit the dissemination of the transcript of Dr. Aaron Specht’s deposition to counsel of record for parties named in *Gaddy* and *Meeks*. (ECF No. 1281.) As Co-Liaison Counsel pointed out, Dr. Specht’s deposition involved highly confidential personal medical information of children. Following a hearing and full consideration of the issues, the Court granted Co-Liaison Counsel’s motion that same day. (ECF No. 1282.)

On April 24, 2021, attorney Mark Cuker filed a motion to review and respond to hourly billing and costs and for discovery of bone scan information. (ECF No. 1710.) In the motion, Mr. Cuker refers explicitly to the transcript of Dr. Specht’s deposition, including to exhibits made part of the transcript. (*Id.*) Mr. Cuker is evidently in possession of the materials covered by the Court’s

October 20, 2020 protective order. Mr. Cuker is not a party to *Gaddy* or *Meeks*, and thus should not have possession of the transcript.

On Tuesday, April 27, 2021, the undersigned counsel sent Mr. Cuker an email requesting information as to how he came to possess these materials. *See* email correspondence, attached hereto as Exhibit A, and incorporated by reference as if fully stated herein. As of the filing of this pleading, Mr. Cuker has not responded to the email communication in any form.

In light of these developments and occurrences, Co-Liaison respectfully requests that the Court issue an Order to Show Cause requiring Mark Cuker to: (1) Explain how, from whom, and when he came into possession of the protected materials; (2) Identify with whom he has shared the protected materials; (3) Explain whether he has made copies of the protected materials as well as what he has done with said materials since gaining possession of them; and (4) Explain why he should not be sanctioned for receiving, possessing, utilizing, and sharing said materials. For the Court's convenience, attached hereto as Exhibit B is a Proposed Order to Show Cause.

Respectfully submitted, this 28th day of April, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2021, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing upon counsel of record.

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/s/ RENNER K WALKER

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